

Calendar No. 29

82D CONGRESS }
1st Session }

SENATE

{ REPORT
No. 30

PROCEEDINGS AGAINST WALTER M. PECHART FOR CONTEMPT OF THE SENATE

JANUARY 22 (legislative day, JANUARY 8), 1951.—Ordered to be printed

Mr. KEFAUVER, from the Special Committee To Investigate Organized
Crime in Interstate Commerce, submitted the following

R E P O R T

[To accompany S. Res. 48]

The Special Committee To Investigate Organized Crime in Interstate Commerce, as created and authorized by the United States Senate by Senate Resolution 202, Eighty-first Congress, second session, caused to be issued a subpoena to Walter M. Pechart of El Cerrito, Calif. The said subpoena directed Walter M. Pechart to be and appear before the said committee on November 18, 1950 at 10 a. m. in room 242, Federal Building, Mission Street, San Francisco, Calif., then and there to testify touching matters of inquiry committed to said committee and not to depart without leave of said committee. The date of the subpoena was the 14th day of November 1950. Attendance pursuant to said subpoena was had on November 22, 1950, at which time the witness appeared. The subpoena served upon said Walter M. Pechart is set forth as follows:

Received November 15, 1950, United
States Marshal's Office, San Francisco,
Calif. 1016.

UNITED STATES OF AMERICA

CONGRESS OF THE UNITED STATES

To W. M. PECHART, 317 San Pablo Avenue, El Cerrito, Greeting:

Pursuant to lawful authority, you are hereby commanded to appear before the Committee on Senate Committee To Investigate Organized Crime in Interstate Commerce of the Senate of the United States on November 18, 1950, at 10 a. m., at room 242 Federal Building, Mission St., San Francisco, then and there to testify what you may know relative to the subject matters under consideration by said committee. Producing at that time all books, records, canceled checks, memoranda, and correspondence relating to any gambling, slot machine, or punchboard enterprises owned or conducted by you for the period 1945 to date.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To United States marshal to serve and return.

Given under my hand, by order of the committee, this 14th day of November, in the year of our Lord 1950.

ESTES KEFAUVER,
Chairman, Senate Committee To Investigate Organized Crime in Interstate Commerce.

The said subpoena was duly served as appears by the return made thereon by R. Calmes, deputy United States marshal, who was duly authorized to serve the said subpoena. The return of the service by the said R. Calmes, deputy United States marshal, being endorsed thereon is set forth as follows:

NOVEMBER 15, 1950.

I made service of the within subpoena by delivering a copy to W. M. Pechart, the within-named witness, personally, at 315 San Pablo Avenue, El Cerrito, Calif., on November 15, 1950, at 3:50 p. m.

EDWARD J. CARRIGAN,
United States Marshal.
By R. CALMES, *Deputy.*

The said Walter M. Pechart pursuant to said subpoena and in compliance therewith appeared before the said committee to give such testimony as required by virtue of Senate Resolution 202, Eighty-first Congress, second session. Walter M. Pechart having appeared as a witness and having been asked questions, which questions were pertinent to the subject matter under inquiry, made answers as appeared in the record of the hearing on November 22, 1950, at San Francisco, Calif., which record is annexed hereto and made a part hereof and designated annex I.

As a result of said Walter M. Pechart's refusal to answer the questions pursuant to the said inquiry, as appears in the record annexed, the committee was prevented from receiving testimony and evidence concerning the matter committed to said committee in accordance with the terms of the subpoena served upon this witness.

The committee was therefore deprived of answers to questions pursuant to the committee's inquiry propounded to Walter M. Pechart pertinent to the subject matter under which Senate Resolution 202, Eighty-first Congress, second session, the said committee was instructed to investigate, and the refusal of the witness to answer questions, as set forth in annex I, is a violation of the subpoena under which the witness was directed to appear and answer questions pertinent to the subject under inquiry, and his persistent and illegal refusal to answer the aforesaid questions deprived the committee of necessary and pertinent testimony and places this witness in contempt of the United States Senate.

At the hearing on November 22, 1950, at San Francisco, Calif., there was a quorum of the committee present consisting of the chairman, Senator Kefauver, and Senators Wiley and Tobey.

After reviewing the testimony and other facts as set forth herein, the committee adopted a resolution, as set forth below:

SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE
COMMERCE

MINUTES OF A COMMITTEE MEETING, JANUARY 5, 1951

The committee met at 11:30 a. m. in room 457, Senate Office Building. There were present the Chairman, Senator Kefauver, and Senators Tobey and Wiley.

The chairman presented to the committee the minutes of the hearing on November 22, 1950, held in room 242, Federal Building, Mission Street, San Francisco, Calif.

The chairman stated to the committee that the witness, Walter M. Pechart, repeatedly, consistently, and arbitrarily had refused to answer questions put to him throughout the chairman's examination of said witness on November 22, 1950, and that his refusal therefore was improper and contemptuous.

The chairman presented to the committee a draft report on the entire matter for the committee's consideration and the committee duly adopted the said report and instructed the chairman to present said report to the United States Senate.

Therefore, upon motion of Senator Tobey, seconded by Senator Wiley, it was duly resolved that the committee present to the United States Senate, for its immediate action, a resolution requiring the United States Attorney for the Northern District of California to proceed against the said Walter M. Pechart in the manner and form provided by law.

ESTES KEFAUVER, *Chairman.*

ANNEX I

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE COMMERCE

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED
CRIME IN INTERSTATE COMMERCE,
San Francisco, Calif., Wednesday, November 22, 1950.

REPORTERS' TRANSCRIPT

The committee met, pursuant to call, at 10 a. m. in room 242, Federal Building, Mission Street, San Francisco, Calif., Senator Estes Kefauver (chairman of the committee) presiding.

Present: Senators Kefauver, Tobey, and Wiley.

Also present: Rudolph Halley, chief counsel, and Harold G. Robinson, chief investigator.

The CHAIRMAN. The committee will be in order.

ANNEX I

Let the record show that Mr. Mathewson and Mr. Faulkner appeared as attorney for Mr. Kessel yesterday and are appearing with Mr. Pechart today.

Mr. Pechart, do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PECHART. I do.

The CHAIRMAN. All right, Mr. Halley, you may proceed.

Mr. HALLEY. What is your full name?

Mr. PECHART. Walter Pechart.

Mr. HALLEY. Your address?

Mr. PECHART. 317 San Pablo Avenue, El Cerrito, Calif.

Mr. HALLEY. A subpoena of this committee has been served upon you?

Mr. PECHART. That is correct.

Mr. HALLEY. And that calls for the production of certain books and records, I believe. Do you have those books and records with you?

The CHAIRMAN. Let me get the address.

Mr. PECHART. 317 San Pablo Avenue, El Cerrito.

The CHAIRMAN. The question was whether you produced the books and records required.

Mr. PECHART. I direct the committee's attention to the fact that I am here by compulsion of a subpoena served upon me by the committee. I have not produced them, and the reason I have not produced them is that your subpoena is too vague and indefinite to disclose the particular paper, record, or file which you desire; and so lacking in specification and description, so wide in its demands that it shows on its face a mere fishing expedition into my private affairs, and that the same was not within the committee's investigation.

I further have not produced them for the reason that your subpoena invades and encroaches upon my constitutional rights under the fourth amendment of the Constitution of the United States. The books are my personal papers and your subpoena constitutes an unreasonable search and seizure. Further option of your subpoena is in respect of the production of records, indicates it is in violation of

and encroaches upon my rights under the fifth amendment of the Constitution of the United States and is in violation of that particular portion of the first amendment which provides that no person shall be compelled in any criminal case to be a witness against himself.

The resolution which created your committee contains very broad powers, included in which is the power to inquire into the subject of whether or not various persons are violating either the State or Federal laws respecting various subject matters concerning which you are inquiring.

Before appearing before your committee, we have read of the highly publicized activity of your committee, and particularly we call the committee's attention to the fact that continuously, since as early as November 16, the work of the committee has been the subject matter of extensive newspaper articles, and expansive headlines in all of our local daily papers. At the same time, there has been highly publicized the report of the California Crime Commission and statements attributed to its members. It would interfere with the orderly proceedings of this committee to attempt to read into this record all of this publicity. Reference is made briefly to part of it.

I think the committee will agree that one of the main burdens of all this publicity is the question of whether various people who are witnesses or potential witnesses before your committee have subjected themselves to penalties, forfeitures, or criminal prosecutions in respect to the tax laws of the United States and other laws of the United States.

I would like to call the committee's attention to an article in the San Francisco News under a Los Angeles date line of November 17, entitled, "Kefauver Group Will Check San Francisco Figures' Tax Returns." I would like that to particularly be made a part of the record, if I may be permitted to do it without reading it at length, it would be—

The CHAIRMAN. It will be exhibit 1 to your testimony.

Go ahead.

Mr. PECHART (continuing). I would like this particular article to be made a part of the record, if I may be permitted to do it without reading it at length.

It would appear from this article that the committee intends to use its powers to go into the subject matter of income tax returns. In this article, the name—my name is mentioned.

In the Oakland Tribune of Friday, November 17, 1950, the subject of witnesses facing a quiz on the juggling of taxes was given wide publicity.

Again, to expedite the hearing of the committee, I would like the article in the Oakland Tribune to be made part of my statement, without reading it into the record.

The CHAIRMAN. That will be exhibit 2 of your testimony.

Mr. PECHART. You will observe that the names of Mr. Pechart and Mr. Kessel appear very prominently in the headline of this issue of the Oakland Tribune. Further, the subject matter of income taxes of other witnesses heretofore examined is the subject of comment by the chairman of the committee.

In the Call Bulletin, a San Francisco newspaper, of Friday, November 17, 1950, a matter highly publicized, is the claim that the evidence of income tax evasion by gamblers and racketeers, as well as tie-up between Federal agents and underworld characters indicates the situation is widespread.

There is no question of the need of a Nation-wide congressional investigation of the Internal Revenue Bureau's operation.

In the same issue of the same paper, there is carried a headline, "Hint crime tax situation due."

In the morning paper, the San Francisco Chronicle of November 17, 1950, an emblazoned headline appears on the first page, "Senators are checking bookies tax deal." The article refers to this committee.

In the San Francisco Examiner of November 17, 1950, in an article relating to the hearing conducted by this committee, after outlining certain developments at the hearing relating to finance and tax matters and other things, the chairman of your committee is quoted as follows:

"Anything we find interesting," Kefauver declared, "we will turn over to the Bureau of Internal Revenue, because we cooperate with the Bureau of Internal Revenue."

We wish further to call the committee's attention to the fact that in the San Francisco News of November 18, 1950, it is indicated that the transcript of the testimony given before the committee by one of the witnesses will be carefully studied by various prosecuting authorities. If further appears in the same article that Treasury agents were checking his explosive witness stand statement

to strengthen their own impending income tax evasion charges. Under the circumstances, therefore, it is apparent that one of the proposals of the committee here is and very well could be, by means of which information obtained from witnesses, as highly publicized as our Mr. Pechart and Mr. Kessel are, may be used in an effort to inflict upon them penalties, and in relation to criminal prosecutions claimed to have occurred in respect to the laws of the United States.

It is required of me, as a witness, that I, a layman, must be vigilant in protecting my own constitutional rights. Any position I may take myself, or through my counsel, is taken with full respect to the committee without any desire whatever to be in contempt of its powers or authority, but only for the purpose of preserving to me the rights guaranteed to me under the Constitution of the United States.

I refer to the committee a copy of the San Francisco News of November 17, 1950, a copy of the Oakland Tribune of November 17, 1950, a copy of the Call Bulletin of San Francisco, of November 17, 1950, a copy of the San Francisco Chronicle of November 17, 1950, a copy of the San Francisco Examiner of November 17, 1950, a copy of the San Francisco News of November 18, 1950, pages 1, 2, 3, 4, 7, 8, 9, and 10. The newspapers were left by my counsel for the committee.

The CHAIRMAN. They may be marked also as an exhibit to Mr. Pechart's testimony.

All right, Mr. Halley.

Let the record show, as it does show, that during the appearances on yesterday, Mr. Kessel was here, and that three Senators, to wit: Senator Tobey, Senator Wiley, and Senator Kefauver, were in attendance during all of his testimony.

Let the record show that the same three Senators are present today.

All right, Mr. Halley.

Mr. HALLEY. Mr. Pechart, the subpoena served upon you calls for the production of, and I quote:

"All books, records, canceled checks, memoranda and correspondence relating to any gambling, slot machine, or punch-board enterprises owned, conducted by you for the period 1945 to date." Is it your contention that you are unable to ascertain from that what books are desired?

Mr. PECHART. I will not bring my books. I will stand on my constitutional rights.

Mr. HALLEY. On what basis? Is it your contention that your books would tend to incriminate you of the offense under the Federal law?

Mr. PECHART. I decline to answer for the reason that my answer might tend to incriminate me.

Mr. HALLEY. Under what laws?

Mr. PECHART. I am sorry, I am not an attorney.

Mr. HALLEY. You have no privilege insofar as your testimony would tend to incriminate you under any State law. Your privilege goes to evidence which would tend to incriminate you under Federal laws.

The CHAIRMAN. Mr. Pechart, it is not necessary—the subpoena orders you to bring the books in. The chairman now again orders you to bring your books and records specified under subpoena before the committee.

Mr. PECHART. I will not bring my books.

The CHAIRMAN. Do you refuse the direction of the chairman, speaking on behalf of the committee?

Mr. PECHART. I refuse.

The CHAIRMAN. Very well.

Mr. PECHART (continuing). On the grounds stated, I decline. I stand on my constitutional rights.

Mr. HALLEY. You do not know of any Federal laws pertaining to the production of your books and records that might tend to incriminate you?

Mr. FAULKNER. I object to questions of that type.

The CHAIRMAN. That is a proper question.

Mr. FAULKNER. May I be heard very shortly?

The CHAIRMAN. Very briefly.

Mr. FAULKNER. I do not believe it is within the scope of the committee to examine a witness in order that he may retreat from taking his constitutional privilege of refusing to testify, and it is not the proper scope of the committee, authorized by the United States Senate to conduct an examination to compel a man to whittle away his constitutional rights. Now, the statement of counsel for the committee is not a statement of law that does anything in the way of protecting the witness.

The CHAIRMAN. Very well, the objection is overruled.

Mr. HALLEY. Mr. Pechart, where were you born and when?

Mr. PECHART. I am 58 years of age. I was born in Utah.

Mr. HALLEY. And where have you lived since then, in what States?

Mr. PECHART. In Nevada, California. That's about all.

Mr. HALLEY. Were you educated in the United States?

Mr. PECHART. Yes, I was—what I have. I was.

Mr. HALLEY. Where were you educated?

Mr. PECHART. In—just country grammar schools.

Mr. HALLEY. In Utah?

Mr. PECHART. Can I talk?

Mr. HALLEY. No. In Utah?

Mr. PECHART. No; I was very young when I left Utah.

Mr. HALLEY. Where were you educated?

Mr. PECHART. I have no education.

Mr. HALLEY. Your grammar-school education, where did you get it?

Mr. PECHART. Well, in the countries. I got a little in Chico; that was about all the education I ever had.

Mr. HALLEY. What businesses have you been in?

Mr. PECHART. I refuse to answer that question on the ground that it may tend to incriminate me.

Mr. HALLEY. Were you ever—

The CHAIRMAN. Wait a minute, the chairman orders and directs you to answer the question.

Mr. PECHART. I refuse to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. Then, can we have the same understanding that we had yesterday, Mr. Faulkner, that if the chairman, on behalf of the committee, allows a question to be put to the witness, then, if the witness refuses to answer, it will be considered that the chairman has directed the witness to answer and that he has refused to respond to the direction of the chairman?

Mr. FAULKNER. In other words, that he has refused to answer on the grounds stated?

The CHAIRMAN. Yes; and then that he has been directed by the chairman to answer without going through the formality?

Mr. FAULKNER. In other words, it will be understood. I think the witness should have it clear, the record of procedure would be for counsel to ask you a question, you decline to answer upon the grounds that you have indicated, and after that, then the duty of the chairman of the committee would be to direct you to answer.

Now, we are stipulating that where you have declined to answer that, that declining means that you decline to answer on the grounds stated, and it is stipulated that the chairman has directed you to answer and you have again refused to answer upon the grounds stated.

The CHAIRMAN. You understand that, Mr. Pechart?

Mr. PECHART. Yes, I do and I don't.

Mr. FAULKNER. Well, it avoids the chairman having each time to direct you to answer.

Mr. PECHART. Yes; I understand it now, yes.

Mr. HALLEY. And you agree to it?

Mr. PECHART. If this gentleman asks me a question?

Mr. FAULKNER. No. You waive the requirement that the chairman directed you to answer, that your position would be the same.

Mr. PECHART. Yes; I do.

Mr. FAULKNER. Directs you to answer, if it would be in response to his question.

Mr. PECHART. Yes; I do.

The CHAIRMAN. I want to see that you understand this clearly. When the counsel or any member of the committee or any of the staff of the committee asks you a question and you refuse to answer, the procedure is that, if the chairman feels that it is a proper question, the chairman will order you and direct you to answer, and then you either refuse or not, as you wish. It is quite apparent that where you object to—refuse to answer a question, that we are going through a needless ceremony of me ordering you to answer each question.

Mr. PECHART. I understand.

The CHAIRMAN. So, we will consider that, if the chairman allows the question to be put to you and you refuse to answer, then you have been directed by the chairman to answer, and that you have again refused. Is that understood?

Mr. PECHART. Yes, sir.

The CHAIRMAN. And you agree to that?

Mr. PECHART. Yes, I do.

Mr. FAULKNER. And the words, "I refuse to answer," always mean for our purposes, upon the grounds stated.

The CHAIRMAN. What he read in the beginning is correct?

Mr. FAULKNER. Yes.

Mr. HALLEY. Mr. Pechart, have you ever been in any legitimate business?

Mr. PECHART. I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. HALLEY. Where do you now have your place of business?

Mr. PECHART. I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. HALLEY. Do you know a man named David Kessel?

Mr. PECHART. Yes; I do.

Mr. HALLEY. How long have you known him?

Mr. PECHART. I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. HALLEY. Have you ever had any business relationships with David Kessel?

Mr. PECHART. I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. HALLEY. Do you know who Attorney General Howser is?

Mr. PECHART. I refuse to answer that on the grounds that it might tend to incriminate me.

Mr. HALLEY. Have you ever heard of an establishment known as the Wagon Wheel?

Mr. PECHART. I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. HALLEY. Do you understand the question is to imply whether you ever heard of it?

Mr. PECHART. I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. HALLEY. Have you ever heard of the town of San Pablo, Calif?

Mr. PECHART. I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. HALLEY. Have you ever been in the town of San Pablo, Calif.?

Mr. PECHART. I refuse to answer the same question.

Mr. HALLEY. Have you ever been in the State of California?

Mr. PECHART. I have.

Mr. HALLEY. Have you ever been in the town of Pittsburg, Calif.?

Mr. PECHART. I refuse to answer the question on the grounds that it might tend to incriminate me.

Mr. HALLEY. Have you ever heard of the Wonder Grill in the town of San Pablo, Calif.?

Mr. PECHART. Will you repeat that?

Mr. HALLEY. Have you ever heard of the Wonder Grill in the town of San Pablo, Calif.?

Mr. PECHART. I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. HALLEY. Have you ever been in the Wonder Grill?

Mr. PECHART. I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. HALLEY. Have you ever heard of the 49 Club?

Mr. PECHART. I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. HALLEY. Have you ever been in the 49 Club?

Mr. PECHART. I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. HALLEY. Have you ever been in Contra Costa County, Calif.?

Mr. PECHART. I have been in Contra Costa County.

Mr. HALLEY. Have you ever been in the town of Albany, Contra Costa County?

Mr. PECHART. Yes. Albany is not in Contra Costa County.

Mr. HALLEY. You have been in Albany?

Mr. PECHART. Yes, I have.

Mr. HALLEY. Have you ever engaged in business in the town of Albany?

Mr. PECHART. I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. HALLEY. Have you ever been in the town of El Cerrito?

- Mr. PECHART. Yes, I have.
- Mr. HALLEY. Have you ever engaged in business in the town of El Cerrito?
- Mr. PECHART. I refuse to answer that question on the grounds that it may tend to incriminate me.
- Mr. HALLEY. Have you ever been in the gambling business?
- Mr. PECHART. I refuse to answer that question on the grounds that it may tend to incriminate me.
- Mr. HALLEY. Have you ever conducted a race booking operation or business?
- Mr. PECHART. I refuse to answer that question on the grounds that it might tend to incriminate me.
- Mr. HALLEY. Have you ever owned or operated a slot-machine device for gambling?
- Mr. PECHART. I refuse to answer that question on the grounds that it might tend to incriminate me.
- Mr. HALLEY. Do you know Sheriff James Long?
- Mr. PECHART. Yes, I do.
- Mr. HALLEY. How long have you known Sheriff James Long?
- Mr. PECHART. I refuse to answer that question on the grounds that it may tend to incriminate me.
- Mr. HALLEY. Have you ever had any social relationships with Sheriff James Long?
- Mr. PECHART. I refuse to answer that question on the grounds that it might tend to incriminate me.
- Mr. HALLEY. Have you ever owned, operated, or maintained a dice game?
- Mr. PECHART. I refuse to answer that question on the grounds that it may tend to incriminate me.
- Mr. HALLEY. Have you ever been convicted—
- Mr. FAULKNER. May I interrupt? I think it would help the committee to be permitted to have him make the same answer.
- The CHAIRMAN. Oh, yes; he doesn't need to go into the same answer.
- Mr. FAULKNER. And it is agreed by everyone that that would include all of the—
- The CHAIRMAN. Just say, "I refuse to answer," and we understand that you are refusing to answer on the grounds that you think it might tend to incriminate you.
- Mr. HALLEY. The question is, Have you ever been convicted of a crime?
- Mr. PECHART. Well, I have got to have a little help on that one. When you ask me if I have ever been convicted by paying a fine, would you call that a conviction?
- Mr. HALLEY. Yes; it would be.
- Mr. PECHART. I refuse to answer on the grounds that it may tend to incriminate me.
- The CHAIRMAN. You already got incriminated if you have been convicted and paid a fine. How is that going to incriminate you?
- Mr. FAULKNER. I think I should answer that.
- The CHAIRMAN. I am asking the witness.
- Mr. PECHART. Well, I have been arrested. I will withdraw that—yes; I have been arrested.
- Mr. HALLEY. And on such arrest, have you been convicted?
- Mr. PECHART. Yes; I have been convicted.
- Mr. HALLEY. And when and where and for what offense?
- Mr. PECHART. I refuse to answer on the grounds—
- Senator TOBEY. That is a matter of court record if you have been fined and convicted. It is a matter of public record in the courts. Why can't you answer that question?
- Mr. PECHART. I refuse to answer the question.
- Mr. HALLEY. The committee is entitled to know whether a witness has been before convicted of a crime, and I ask you again.
- Mr. FAULKNER. He has answered.
- Mr. HALLEY. Upon your arrest, were you convicted? Please let me finish the question and you may object.
- Upon your arrest, to which you have testified, arrest or arrests, were you on any occasion convicted of a crime?
- Mr. FAULKNER. May I have the question reread?
- (Question read.)
- Mr. PECHART. What constitutes crime?
- Mr. HALLEY. Your lawyer will have to advise you of that.

Mr. FAULKNER. I think he has answered the question in practically identical form.

Mr. HALLEY. Were you convicted on any occasion of any offense against the laws of any State?

Mr. PECHART. Yes. The answer is "Yes."

Mr. HALLEY. Have you ever been convicted of any offense against the laws of the United States?

Mr. PECHART. Yes.

Mr. HALLEY. What offense was that?

Mr. PECHART. I refuse to answer.

Mr. HALLEY. What offense was it in the case of the conviction against the laws of a State?

Mr. PECHART. I refuse to answer.

Mr. HALLEY. On how many occasions have you been convicted of crime?

Mr. PECHART. I refuse to answer.

Mr. HALLEY. Do you know Michael Cohen, known as Mickey Cohen?

Mr. PECHART. Are you referring to Mickey Cohen of southern California?

Mr. HALLEY. Yes.

Mr. PECHART. I do not.

Mr. HALLEY. Do you know Frank Nicolai, or did you know him?

Mr. PECHART. Well, I have got to ask you gentlemen for a little help there. There is a Nicolai family in Contra Costa County.

Mr. HALLEY. No; this is a Frank Nicolai who was associated with a Mickey Cohen.

Mr. PECHART. I do not.

Mr. HALLEY. Do you know Arthur Samish?

Mr. PECHART. I refuse to answer on the grounds that it may tend to incriminate me.

Mr. HALLEY. Have you ever seen Arthur Samish?

Mr. PECHART. I refuse to answer the question on the grounds that it might tend to incriminate me.

Mr. HALLEY. Did you know a man named Carl Neallis?

Mr. PECHART. Yes; I did.

Mr. HALLEY. Were you in business with Carl Neallis?

Mr. PECHART. I refuse to answer on the grounds that it might tend to incriminate me.

Mr. HALLEY. Did you ever visit at the home of Carl Neallis?

Mr. PECHART. I refuse to answer on the grounds that it might tend to incriminate me.

Mr. HALLEY. Did he ever visit at your home?

Mr. PECHART. The same answer.

Mr. HALLEY. Do you know Francis Collins?

Mr. PECHART. Yes; I do.

Mr. HALLEY. Is he district attorney of Contra Costa County?

Mr. PECHART. Yes; he is.

Mr. HALLEY. Has he ever represented you in any matter?

Mr. PECHART. I refuse to answer on the grounds that it may tend to incriminate me.

Mr. HALLEY. Did he ever represent you in any criminal matter?

Mr. PECHART. The same answer.

Mr. HALLEY. I have no further questions.

The CHAIRMAN. Senator Tobey?

Mr. FAULKNER. May I clear up one point? May I speak to the witness?

The CHAIRMAN. You might make it brief, because the witness is not entitled to very much consideration.

Senator TOBEY. Did you write that statement yourself?

Mr. FAULKNER. Excuse me, will you state for the record—

Mr. PECHART. On the advice of my attorney, I made a statement that I refused to answer the question when the gentleman there asked me if I had ever been in the town of San Pablo. I have been in the town of San Pablo.

Mr. FAULKNER. Now, did you hear the Senator's question?

The CHAIRMAN. Perhaps Mr. Halley will want to follow through.

Mr. HALLEY. Have you ever lived in the town of San Pablo?

Mr. PECHART. No; I have not lived in the town of San Pablo.

Mr. HALLEY. Have you ever lived in the vicinity of the town of San Pablo? By that, I mean within 25 miles of San Pablo.

Mr. FAULKNER. That would take the whole county. He has testified where he lives.

- Mr. HALLEY. I would like the question answered, in any event.
- Mr. PECHART. Yes; I live close to San Pablo.
- Mr. HALLEY. How close to San Pablo do you now live?
- Mr. PECHART. In within 10 miles, I would say.
- Mr. HALLEY. Have you ever had any business in San Pablo?
- Mr. PECHART. I refuse to answer that question on the grounds it may tend to incriminate me.
- Mr. HALLEY. I have no further questions.
- The CHAIRMAN. All right. Senator Tobey?
- Senator TOBEY. Did you write that statement yourself?
- Mr. PECHART. The statement that I just read?
- Senator TOBEY. Yes.
- Mr. PECHART. No; I did not write that statement.
- Senator TOBEY. Did you dictate it to somebody?
- Mr. PECHART. No; it was some of my thoughts. My attorney took care of that.
- Senator TOBEY. And you gave him your thoughts and he wrote the statement out?
- Mr. PECHART. That's it.
- Senator TOBEY. Are you a lover of dogs?
- Mr. PECHART. Yes, I am.
- Senator TOBEY. Do you keep any?
- Mr. PECHART. Yes, I do.
- Senator TOBEY. What kind?
- Mr. PECHART. I have a rat-tail water spaniel and a Weimaroner.
- Senator TOBEY. That is all.
- The CHAIRMAN. Senator Wiley?
- Senator WILEY. Have any of these questions such as have been propounded to you today been asked by other people of you?
- Mr. PECHART. No.
- Senator WILEY. Has the internal-revenue agent been around to see you?
- Mr. PECHART. No.
- Senator WILEY. Any agent of the tax department of California been around to see you?
- Mr. PECHART. No.
- Senator WILEY. Have you ever engaged in political activity?
- Mr. PECHART. I refuse to answer that question on the grounds that it may tend to incriminate me.
- Senator WILEY. Have you ever made contributions to any political party?
- Mr. PECHART. I refuse to answer that question on the grounds that it may tend to incriminate me.
- Mr. HALLEY. Have you made any contribution to any individual—political contribution to any individual at all?
- Mr. PECHART. The same answer, Senator.
- Senator WILEY. Do you want to tell the committee that the answer to such questions would incriminate you?
- Mr. PECHART. I refuse to answer.
- Mr. HALLEY. Have you consulted with anyone in relation to how the answers to such questions would incriminate you?
- Mr. FAULKNER. I don't think it's—
- Mr. HALLEY. Now—
- Mr. FAULKNER. Just a moment, I have the right to make an objection.
- Mr. HALLEY. No; you have not.
- The CHAIRMAN. Make your objection to the chairman. We will rule on it.
- Mr. FAULKNER. I don't think it is proper for the committee to inquire as to whether or not a person should have legal advice with respect to the matter.
- Mr. HALLEY. We are trying to find out.
- Mr. FAULKNER. I understand.
- The CHAIRMAN. That is all right. The objection has been made and the objection is overruled.
- Mr. HALLEY. Will you read the question?
- (Question read as follows: "Have you consulted with anyone in relation to how the answers to such questions would incriminate you?")
- Mr. PECHART. No, excepting—no one excepting my attorney.
- Senator WILEY. Have you any objection to telling the committee what your sources of income are?
- Mr. PECHART. Yes. I refuse to answer that question.

Senator WILEY. Have you any objection to telling the committee how much your income is?

Mr. PECHART. The same answer, Senator.

Senator WILEY. And that is all based on the idea that, if the committee had that information, it would have a tendency to incriminate you?

Mr. PECHART. I refuse to answer that question on the same grounds.

Senator WILEY. Are you married?

Mr. PECHART. Yes; I am.

Senator WILEY. Have you a family?

Mr. PECHART. No, sir.

Senator WILEY. No children?

Mr. PECHART. No, sir.

Senator WILEY. There was one question asked by counsel sometime ago, and that was whether you had any objection to telling the committee what legitimate businesses you have ever been engaged in. Have you any objection to telling what legitimate business you have been engaged in?

Mr. PECHART. Yes, I have.

Senator WILEY. Do you want to tell why?

Mr. PECHART. I will stand on my constitutional rights.

Senator WILEY. Do you think you have a constitutional right to refuse to tell this committee what legitimate businesses you have been engaged in?

Mr. PECHART. I think I have a constitutional right to answer your question.

Senator WILEY. Yes. I think you have a constitutional right, and we are asking you to exercise that right.

Mr. PECHART. I refuse to answer that question.

Senator WILEY. That's all.

The CHAIRMAN. Let me ask one or two questions.

Do you own your own home?

Mr. PECHART. Yes; I do, part of it.

Senator WILEY. What do you mean by part of it?

The CHAIRMAN. When did you buy it?

Mr. PECHART. I didn't buy it; I built it.

The CHAIRMAN. How much did it cost you to build?

Mr. PECHART. I refuse to answer that question on the grounds that it may tend to incriminate me.

The CHAIRMAN. Do you have a mortgage on your home?

Mr. PECHART. I refuse to answer that question.

The CHAIRMAN. Do you own any business property?

Mr. PECHART. I refuse to answer that question.

The CHAIRMAN. Did you own any business property 10 years ago?

Mr. PECHART. I refuse to answer that question.

The CHAIRMAN. Now, the chairman, on behalf of the committee, will say that there is no law that the chairman knows about, the violation of which has a longer statute of limitations than 10 years. The chairman will ask you whether prior to 10 years ago you were engaged in any gambling activities; prior to 1940, were you engaged in any gambling activities.

Mr. PECHART. I refuse to answer the question on the grounds that it may tend to incriminate me.

The CHAIRMAN. Have you ever had any connection or ever secured wire service prior to 10 years ago?

Mr. PECHART. I refuse to answer that question.

The CHAIRMAN. Were you engaged in any interstate transactions in connection with gambling prior to 10 years ago?

Mr. PECHART. I stand on my constitutional right.

The CHAIRMAN. You refuse to answer. Have you ever been engaged in the narcotics traffic?

Mr. PECHART. No, sir.

The CHAIRMAN. Have you gotten any wire service for any operation?

Mr. PECHART. You asked me a question if I have ever been in the narcotic business, and my answer was, "No," and then you come back if I have ever gotten a wire service for what?

The CHAIRMAN. For bookmaking operations.

Mr. PECHART. I refuse to answer on the grounds that it may tend to incriminate me.

Senator TOBEY. Did you talk to Mr. Kassel?

Mr. PECHART. For a few minutes.

Senator TOBEY. Did he tell you what happened?

Mr. PECHART. Yes, he did.

Mr. HALLEY. I have a question.

The CHAIRMAN. All right.

Mr. HALLEY. Eliminating entirely any activities of your own, would you state to the committee whether, in the past 5 years, you have observed any gambling in Contra Costa County?

Mr. PECHART. I refuse to answer the question.

Mr. HALLEY. I am excluding from the question any activities in which you were connected directly or indirectly.

Mr. FAULKNER. Under those conditions he couldn't observe them.

Mr. HALLEY. The question is—

Mr. FAULKNER. Well, I object to the question; it is unintelligent.

Mr. HALLEY. Mr. Chairman, we have got a question.

The CHAIRMAN. What is that, Mr. Halley?

Read the question and the objection.

(Question read as follows:)

"Eliminating entirely any activities of your own, would you state to the committee whether, in the past 5 years, you have observed any gambling in Contra Costa County?"

"Mr. PECHART. I refuse to answer the question.

"Mr. HALLEY. I am excluding from the question any activities in which you were connected directly or indirectly.

"Mr. FAULKNER. Under those conditions he couldn't observe them."

The CHAIRMAN. The objection is overruled. What is your answer?

Mr. PECHART. I refuse to answer.

Mr. HALLEY. Have you, during the past 5 years, seen any slot machines in Contra Costa County, excluding from my question any slot machines with the operation of which or the ownership of which you directly or indirectly were connected?

Mr. PECHART. I refuse to answer the question.

The CHAIRMAN. What was your occupation 10 years ago, prior to 10 years ago?

Mr. PECHART. I refuse to answer the question.

The CHAIRMAN. Well, we are not getting anywhere.

Senator TOBEY. Having in mind the exhibit of refusal to answer questions, and since this morning, I have no recourse but to make the same motion, to cite him for contempt for refusal to answer the questions of the committee.

The CHAIRMAN. The full committee being in session, the motion has been made by Senator Tobey that the committee recommend to the United States Senate contempt proceedings against William Pechart for refusing to answer questions propounded to him by the committee, and for refusing to obey the subpoena issued by the committee directing him to bring in certain books, records, papers, as described in the subpoena. The subpoena will be made a part of the record at this point.

Do I head a second?

Senator WILEY. Second it.

The CHAIRMAN. The motion is seconded by Senator Wiley. All in favor, let it be known by saying "Aye."

Let the record show Senator Wiley, Senator Tobey, and Senator Kefauver have voted for the motion, and counsel is instructed to immediately prepare for submission to the United States Senate the necessary resolution asking the Senate to vote a contempt proceedings and to direct the United States attorney for the northern district of California to proceed with all due expedition with the contempt proceedings against this person.

That is all.

Mr. FAULKNER. At the outset of the hearing yesterday, you indicated that we would have a copy of the transcript by process.

The CHAIRMAN. You can have a copy.

Mr. FAULKNER. The witness is excused?

The CHAIRMAN. Yes; the witness is excused.

(Witness excused.)

